IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2113 OF 2005

Shri.Vipul K.Sagar ..Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.Vivek Kantawala i/b
M/s.Vivek Kantawala & Co. for Petitioner
Ms.S.V.Gajare A.P.P. for the State

...

WITH

CRIMINAL WRIT PETITION NO.2114 OF 2005

Shri.Sameer K.Sagar ..Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.Vivek Kantawala i/b
M/s.Vivek Kantawala & Co. for Petitioner
Mr.Y.S.Shinde A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 2,2005

P.C.

1. Heard the learned advocate for the petitioners i.e. original accused nos.1 and 2 and the learned A.P.P. for the State in both the matters.

2. The petitioner is seeking quashing of proceedings relating to Case No.1209/SS/2005 pending before the Addl.Chief Metropolitan Magistrate, Esplanade, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate

issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revisions will be preferred within four weeks from today. I am informed that the next date in the matter before the trial Court is 13.9.2005. In view of this statement, the trial Court shall not proceed with the trial qua the petitioners on 13.9.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]